

Sexual Harassment Policy

Introduction

Djerriwarrh Community & Education Services (Djerriwarrh) recognises it is the right of every employee and volunteer to be able to attend work and perform their duties without being subjected to any form of sexual harassment.

Equally, it is the obligation and responsibility of every employee and volunteer to ensure that the workplace is free from sexual harassment.

Djerriwarrh is fully committed to its obligations to eliminate sexual harassment in the workplace and in customer service.

Scope

This policy applies to Djerriwarrh employees, volunteers and contractors.

Definitions

The **Code of Practice on Sexual Harassment** issued by the Human Rights and Equal Opportunity Commission defines sexual harassment as:

“Sexual harassment is unwelcome sexual conduct which makes a person feel offended, humiliated and/or intimidated where that reaction is reasonable in the circumstances. Sexual harassment in employment is unlawful under the Sex Discrimination Act 1984 (Cth).”

The General Principles relating to Sexual Harassment are as follows:

- Sexual harassment can involve physical, visual, verbal or non-verbal conduct of a sexual nature which is uninvited and unwelcome;
- Sexual harassment is a legally recognised form of sex discrimination; and,
- Sexual harassment can be a breach of an employer’s duty to take reasonable care for the health and safety of employees.

Sexual harassment can take various forms. It can involve behaviour which:

- Is accompanied by a direct or implied threat, benefit or promise;
- Creates a sexually permeated or hostile working environment; and/or,
- Could also be an offence under the criminal law (for example, physical assault, indecent exposure, sexual assault, stalking or obscene communications).

Sexual harassment is not sexual interaction, flirtation, attraction or friendship that is invited, mutual, consensual and reciprocated.

Policy

Djerriwarrh will not tolerate sexual harassment under any circumstances.

Both federal and state Equal Employment Opportunity legislation provide that sexual harassment is unlawful. Djerriwarrh considers that legislative obligations under the Acts establish minimum standards of behaviour for all employees and volunteers.

The principles set out in this policy are intended to apply to any work-related context, including conferences, work functions, social events and business trips.

No employee or volunteer at any level should subject any other employee, volunteer, participant or visitor to any form of sexual harassment.

A breach of this policy will result in disciplinary action. Depending upon the severity of the case, consequences may include apology, counselling, transfer, demotion, dismissal, or other forms of disciplinary action deemed appropriate.

Djerriwarrh strongly encourages any employee or volunteer who feels they have been sexually harassed to take immediate action, preferably by making it clear that such behaviour is unwelcome and offensive; alternatively, or in addition, they may follow the procedures for reporting the behavior using the Grievance Policy.

Any reports of sexual harassment will be treated seriously and promptly with sensitivity. Such reports will be treated as completely confidential up to the point where a formal or informal complaint is lodged against a particular person, at which point that person must be notified under the rules of natural justice.

Responsibility

Responsibility lies with the CEO, Managers, Coordinators and employees/volunteers to ensure that sexual harassment does not occur.

Associated Policies	PO 001 Access and Equity PO 004 Workplace Health and Safety PO 048 Grievance PO 060 Code of Conduct
Associated Procedures	PR 003a Sexual Harassment Complaints PR 022a Recruitment and Selection PR 048a Grievance
Other associated documents Internal	
Relevant Legislation	
Other associated documents External	AQTF Conditions and Standards